Michigan Department of Treasury
4594 (Rev. 10-09), Page 1

Attachment 20

2009 MICHIGAN Farmland Preservation Tax Credit Corporate Farm Owners, Estates or Trusts Issued under authority of Public Act 451 of 1994. Type or print in blue or black ink.				Check if this is an amended form. Attach supporting documents.			
Issued	under authority of Public Act 451 of 19	994. Type or prin	t in blue or black ink	<u>(M</u> l	M-DD-YYYY)		(MM-DD-YYYY)
1. R	eturn is for calendar year 200	9 or for tax y	ear beginning:			and ending:	
2. Na	me				5. Federal Employer lo	dentification Number	(FEIN) or TR Number
Doing	Business As (DBA)				6. Organization Type		
					Fiduciary	Corporati	ion / LLC S Corporation
Street	Address				Fiduciary	S Corporati	ion / EEC 3 Corporation
City		State	ZIP/Postal Code	Country Code	-	/ LLC C Corporation	1
Oity		Oldic	Zii /i Ostai Oodo	Country Coun			
3. NAI	CS (North American Industry Classification	System) Code	4. Principal Busine	ess Activity	7. Business Start Date	8. If Dis	continued, Effective Date
line 1	have agreements entered into B. Once you elect a qualification. 1: GROSS RECEIPTS (ion formula, a	TION	must be filed usir	ng that formula.		
	ontracts were entered into befory 1, 1978, go to Part 2.	ore	A 1st Year	B 2nd Year	C 3rd Year	D 4th Year	E 5th Year
9.	Years preceding the claim year						
10.	Property taxes on enrolled land	ı					
11.	Multiply line 10 by five						
12.	Agricultural gross receipts						
13.	Check here if line 12 is gr	eater than line	11 in at least thre	ee of the five years p	oreceding claim year A	AND you elect this	qualification.
14.	Property taxes on enrolled land	I in the first yea	ar under contract			14.	00
	, , , , ,	•				15.	00
	Agricultural receipts for averagi					16.	00
17.	Average Gross Receipts. Divide	•				17.	<u> </u> 00
18.	Check here if line 17 is gr	eater than line	15 AND you elec	t this qualification.			
PAR	T 2: TAXES THAT CAN B	E CLAIME	FOR CREDI	T AND ALLOC	ATION TO EACH	AGREEMEN ^T	Т
statem	ete columns A through D and line ents (bills) for all land under agre only (no cents).						
19.	A		В	С	D	E	F
County	Agreement Nur		Check (X) if 2008 or 2009 Paid			Divide Each Amount in Column D by	Allocated Tax Credit Multiply Line 29 by
Code (2 Digits)	Contract Number	Expiration Da (Enter as MMDE		Date of Agreement (MM-DD-YYYY)	Total Tax For Each Agreement	Total on Line 20, Column D	Percentage in Column E
						%	
						<u>%</u>	
	 			<u> </u>		1/0	

0000 2009 93 01 27 7

20. Total of columns D, E, and F

4594, P	age 2			FEIN or TR Numb	er		
21.	If lines 13 or 18 are checked, enter taxes 1977. Otherwise, enter zero		21.	00			
22.	Taxes from line 19, column D, on land enrolled before January 1, 1978				22.	00	
23.	Taxes qualifying for credit. Add lines 21 a	and 22			23.	00	
PAR	3: TAXES THAT CANNOT BE	CLAIMED	FOR CREDIT				
24.	Business Income Tax base from Form 4567, line 49 (or Business Income Tax Base Workshee see instructions).			· · · · · · · · · · · · · · · · · · ·	24.	00	
25.	Depletion allowance claimed on your fed	leral income t	ax return		25.	00	
26.	Compensation of shareholders that is no	ot included in t	he Business Incom	ne Tax base	26.	00	
27.	Total. Add lines 24 through 26. If less than zero, enter zero				27.	00	
28.	Taxes that cannot be claimed for credit.		28.	00			
PAR1	T4: CREDIT						
29.	Farmland Preservation Tax Credit. Subtract line 28 from line 23. If line 28 is greater that enter zero			,	29.	00	
30.	 Amount of credit applied to Michigan Business Tax liability. Enter here the lesse amount on Form 4567, line 57, or Form 4583, line 21. Enter this amount on Form 				30.	00	
31.	31. Amount of credit to be REFUNDED. Subtract line 30 from line 29				31.	00	
PAR1	5: CERTIFICATION AND SIGN	ATURE					
Тахр	ayer Certification. I declare under penal turn and attachments is true and complete to the	ty of perjury tha		Preparer Certification.		under penalty of perjury that this h I have any knowledge.	
	B. Acadia Michael and Mark Transcolor			Preparer's PTIN, FEIN or SSN			
L By checking this box, I authorize Treasury to discuss my return with my preparer. Authorized Signature for Tax Matters				_			
				Preparer's Business Name (pri	nt or type)		
Authorized Signer's Name (print or type) Date			Preparer's Business Address and Telephone Number (print or type)				
Title		Telephone Nu	mber				
part o (Form	g this credit, or a portion of this crediff the annual tax filing along with the M 4567)).	/IBT annual	return (either the	MBT Simplified Return (F		•	

For assistance, visit Michigan Department of Treasury's Web site at **www.michigan.gov/taxes** or call toll-free 1-800-827-4000 for questions about Michigan income tax and credit forms. Persons who have hearing or speech impairments may call 517-636-4999 (TTY).

Michigan Department of Treasury

P.O. Box 30783 Lansing, MI 48909

Instructions for Form 4594 Michigan Farmland Preservation Tax Credit

Purpose

To allow the taxpayer to claim the Farmland Preservation Tax Credit.

The Farmland Preservation Tax Credit gives a share of the property tax paid on farmland back to farmland owners. Farmland owners qualify for credit by agreeing to keep the land as farmland and not develop it for another use.

Requirements

To qualify, the following requirements must be met:

- · Taxpayer must own farmland, and
- Taxpayer must have entered into a Farmland Development Rights Agreement (FDRA) with the Michigan Department of Agriculture (MDA).

If agreements were entered into on or after January 1, 1978, the gross receipts qualifications in Part 1 must be met.

Farmland Development Rights Agreement

Through an FDRA, a taxpayer may receive property tax relief in return for a pledge not to change the use of the taxpayer's lands.

NOTE: The FDRA restricts development of land. Before making any changes to property covered under this agreement or to its ownership, consult the MDA. Some changes may make property ineligible for credit.

Filing the Correct Form

The following should file using Form 4594:

- Estates, include property taxes from the date of death and farm income required to be reported on the entity's U.S. Form 1041.
- Corporations other than S Corporations.
- S Corporations that had an FDRA before January 1, 1989, and in 1991 elected to file under the Single Business Tax (SBT) Act on the *Farmland Preservation Tax Credit* (Form C-8022).
- Trusts, except as noted below.

The following should file using the MI-1040CR-5:

- Individuals who own a farm independently.
- Representatives of deceased single persons. Include property taxes and income from January 1 to the date of death.
- · Partnerships.
- · Joint owners.
- S Corporation shareholders, except shareholders of S Corporations who had an FDRA before January 1, 1989, and in 1991 elected to file under the SBT Act on Form C-8022.
- Grantor Trusts (if treated as an owner under Internal Revenue Code § 671 to 679).
- Trusts created by the death of a spouse if the Trust requires 100 percent of the income from the Trust to be distributed each

year to the surviving spouse.

Form MI-1040CR-5 is available on the Department of Treasury Web site at **www.michigan.gov/treasuryforms** or by calling 1-800-827-4000.

Claiming the Credit

Complete Form 4594. If applying this credit or a portion of this credit to Michigan Business Tax (MBT) liability, attach this form to the *MBT Refundable Credits* (Form 4574). Attach a copy of U.S. Form *1120* or *1041*, page 1, and copies of all the federal schedules completed for the federal tax return. The following must also be included:

- A copy of the taxpayer's 2009 property tax statement(s) (bills) with corresponding agreement numbers listed on each.
- A copy of the receipt showing that 2008 or 2009 property taxes were paid. If property taxes have not been paid or receipt(s) are not attached, the Michigan Department of Treasury (Department) will mail a check made jointly payable to the Corporation, Estate or Trust AND the county treasurer for the county where the property is located. (A new check payable only to the Corporation, Estate or Trust will not be issued if it is later proved that the taxes had been paid.)
- If the property tax statement (bill) includes property that is not covered under an FDRA, the taxpayer must show what portion of total acreage and property tax is for land enrolled in the FDRA. A local equalization officer or local assessor must give this information on official letterhead if it is not listed separately on property tax bills.

When to Claim a New Agreement

New agreements must be approved by the local government by November 1, 2009, to claim a 2009 credit. However, the FDRA is not final until a copy that has been recorded at the Register of Deeds is received from the MDA. Credit for the new FDRA will not be allowed unless a copy of the recorded agreement is attached to the return. If the taxpayer doesn't get a copy of the recorded agreement before April 30, file the return without that agreement. File a new Form 4594 with the amended box checked when the FDRA is received.

Jointly Payable Checks

The taxpayer should take the check, check stub, and a copy of the FDRA(s) to the county treasurer(s) who will have the taxpayer endorse the check and then use the refund to pay any delinquent taxes. Any remaining amount will be returned to the taxpayer.

Property Taxes That Can Be Claimed for Credit

The property taxes levied in 2009 on enrolled land are eligible for the 2009 credit, regardless of when they are paid.

Ad valorem property taxes that were levied in 2009 including collection fees up to 1 percent of the taxes can be claimed for credit. Special assessments (those not based on taxable value), penalties, and interest cannot be claimed.

Taxes on land not eligible for either the principal residence or qualified agricultural property exemptions most likely are not eligible for the Farmland Preservation Tax Credit. The exception is rental property where the tenant spends at least 1,040 hours per year participating in the farming operation. To compute the taxes that can be claimed for credit, exclude the school operating tax and multiply the balance by the percentage of exemption allowed by the local taxing authority.

EXAMPLE:

Taxes levied	\$2,000
School operating tax	\$350
Principal residence exemption	60%

If the taxpayer has entered into more than one FDRA with the MDA, the sum of the taxes under each agreement is used to compute the credit. The amount of credit the taxpayer will receive is based on adjusted business income. Taxes levied on rental property cannot be claimed for credit unless the tenant is involved in the farm operation.

Claiming a Credit for Farms Purchased in 2009 That Were Already Enrolled in the Program

The Farmland Preservation Tax Credit will be processed only if there is a farmland agreement on file with the MDA IN THE SAME NAME AS THE TAXPAYER'S DEED. The taxpayer must prorate the 2009 taxes for the period the land was owned and claim credit based on those taxes only.

Line-by-Line Instructions

Lines not listed are explained on the form.

Dates must be entered in MM-DD-YYYY format, unless otherwise instructed.

Amended Returns: Check the box (upper right corner, page 1) if this is an amended return, and attach a separate sheet explaining the reason for the changes. Include any supporting documents including an amended federal return or a signed and dated Internal Revenue Service (IRS) audit document.

Line 1: Tax year of claim. Enter the ending month, day and year of the annual accounting period in which this credit is claimed.

EXAMPLE: A participant with a tax year ending December 31 claims a credit for the 2009 property taxes in the tax year ending in December 2009.

Line 2: Country Code: If other than the United States, enter the country code. See the list of country codes in the *MBT Instruction Booklet for Standard Taxpayers* (Form 4600) on the Web at **www.michigan.gov/taxes**.

Line 3: Enter the entity's six-digit North American Industry Classification System (NAICS) code. For a complete list of six-digit NAICS codes, see the U.S. Census Bureau Web site at www.census.gov/epcd/www/naics.html, or enter the same

NAICS code used when filing the entity's U.S. Form 1120, Schedule K, U.S. Form 1120S, U.S. Form 1065, or U.S. Form 1040, Schedule C.

Line 6: Check the box that describes the organization type. A Trust or Limited Liability Company (LLC) should check the appropriate box based on its federal return.

PART 1: GROSS RECEIPTS QUALIFICATION

Applies only to agreements entered into on or after January 1, 1978.

If agreements were entered into on or after January 1, 1978, eligibility for a Farmland Preservation Tax Credit must be determined using one of the two qualification formulas provided below. If all agreements began before January 1, 1978, skip to Part 2.

IMPORTANT: Once a qualification formula is elected, all future claims must be filed using that formula.

Total Receipts Formula on line 13: This formula compares agricultural gross receipts to property taxes on the enrolled land in each of the tax years preceding the tax year of this claim. If gross receipts are more than five times property taxes in at least three of the five tax years, this formula may be used.

Average Receipts Formula on line 18: This compares the average of the agricultural gross receipts for three tax years preceding the tax year of this claim to property taxes on the enrolled land in the first year under the agreement. If average receipts are more than five times property taxes in the first year, this formula may be used.

Line 9: Enter each of the years immediately preceding the claim year. Enter the most current year in column A.

Line 10: Enter the property taxes for each year reported on line 9 that are attributable to land enrolled on or after January 1, 1978. Do not include property taxes on land enrolled before January 1, 1978, or property taxes on structures or any other lands not enrolled in an FDRA.

Line 12: Enter the agricultural gross receipts for the tax years immediately preceding the tax year of this claim. Agricultural gross receipts are receipts from the business of farming as defined in the IRS Regulation 1.175-3.

If the taxpayer's farm operation was incorporated during this five-year period and the ownership before and after date of incorporation is identical, report gross receipts for all five tax years. If the ownership changed, enter gross receipts only for those tax years since incorporation.

PART 2: TAXES THAT CAN BE CLAIMED FOR CREDIT AND ALLOCATION TO EACH AGREEMENT

For taxpayers with four or fewer agreements: Using the instructions below for line 19, columns A through D, complete lines 19A through 19D for each agreement, then enter in line 20D the total of column 19D. Using the total in line 20D, complete line 19E for each agreement. In line 20E, enter the total of all percentages from column 19E, which must equal 100 percent.

Then complete lines 21 through 31. Using the total credit

reported on line 29, return to the table in line 19 and complete line 19F for each agreement. Finally, in line 20F, enter the total of all allocated credits from column 19F, which must equal line 29.

Enter amounts in whole dollars only (no cents).

For taxpayers with five or more agreements: Using the instructions below for line 19, columns A through D, complete lines 19A through 19D on the primary copy of the form with data from four agreements. Use additional copies of page 1 of this form to report the remaining agreements. On each additional copy of page 1 that is used:

- Enter the taxpayer's name on line 2 and FEIN/TR number on line 5.
- Leave all other fields (including line 20) blank, except line
- Complete lines 19A through 19D for each agreement.

Then enter in line 20D of the primary copy of this form (the copy with all applicable fields filled) the total of columns 19D from all copies. Using this total in line 20D of the primary copy, complete line 19E for each agreement on all copies. In line 20E of the primary copy, enter the total of all percentages from columns 19E from all copies, which must equal 100 percent.

Then complete lines 21 through 31. Using the total credit reported on line 29, return to the table in line 19 and complete line 19F for each agreement on all copies. Finally, in line 20F of the primary copy, enter the total of all allocated credits from column 19F from all copies, which must equal line 29.

Enter amounts in whole dollars only (no cents).

Line 19: Attach additional copies of page 1 of this form if entering more than four agreements on line 19.

On each additional copy of page 1 that is used, enter taxpayer name on line 2 and FEIN/TR number on line 5 and leave all other fields (including line 20) blank, except line 19.

- Column A: Enter the farmland preservation agreement number assigned by the MDA. Agreement (or contract) number is found in the lower right corner of each agreement. The first two numbers are the county where the property is located. The middle set of numbers is the actual contract number. The final six numbers are the year of expiration, for example, 123109 (December 31, 2009). The contract number retains its original series throughout the term of the agreement. However, a letter may be added to indicate that the agreement was split into multiple agreements. The final six numbers change when the agreement is shortened or extended. Always use the contract number on the most recently recorded agreement, and attach a copy of each 2009 tax statement (bill) that corresponds to the agreement number listed. The expiration date may never be earlier than the year of the return being prepared.
- Column B: For each agreement, check the box if paid tax receipts for 2008 or 2009 are attached. The Farmland Preservation Credit will be issued jointly to the taxpayer and the treasurer for the county where the property is located if the receipts are not attached.

NOTE: In addition to paid tax receipts as described above,

attach copies of 2009 property tax statements (bills). Be sure the corresponding agreement number is on each tax statement.

- Column C: Enter the date each agreement was entered into (MM-DD-YYYY).
- Column D: Enter the total amount of tax on land and structures under agreement from tax statements (bills). Do not include penalties, interest or special assessments. Collection fees may be included. If the taxpayer is a joint owner, enter only the taxpayer's share of taxes.

NOTES: If the property tax statement (bill) includes taxes for land not covered by an FDRA, the taxes reported in column D must be reduced accordingly. The amount of taxes that cannot be claimed must be determined by the local assessor's office and submitted on his or her official letterhead. The 1 percent collection fee may be included. Do not include penalties, interest or special assessments.

If the property tax statement (bill) includes taxes for land on more than one agreement, the taxes reported in column D must be separated according to land in each agreement. The local assessor will be able to determine what the breakdown is based on the legal descriptions of the land enrolled under each agreement.

Line 20: If multiple copies of page 1 of Form 4594 are included, leave line 20 blank on all copies except the primary copy (see above, instructions for Part 2). Lines 20D, 20E, and 20F on the primary copy must reflect totals for all copies of the form.

Line 21: Taxes on land enrolled after December 31, 1977. If qualified under one of the gross receipts formulas (line 13 or line 18), enter the taxes from column D on land and structures enrolled after December 31, 1977. Otherwise, enter zero.

PART 3: TAXES THAT CANNOT BE CLAIMED FOR CREDIT

If filing Form 4567, the amounts used in this computation are available on the return and schedules. If not filing an MBT annual return, complete the *MBT Schedule of Shareholders and Officers* (Form 4577) and attach it to this claim.

Enter on lines 24 through 28 the amounts for the tax year of this claim (the year entered on line 1).

Line 24: Enter the amount of Business Income Tax base from Form 4567, line 49. (If not required to file Form 4567, use the "Business Income Tax Base Worksheet" on page 7 to assist in determining the base). This amount can be less than zero.

Unitary Business Groups (UBGs): If the eligible taxpayer is a member of a UBG, a pro forma calculation must be performed to determine the Business Income Tax base of the eligible taxpayer. This supporting pro forma calculation should be attached to the back of the return as supporting documentation.

Line 26: This includes all shareholder compensation that was deducted in calculating federal taxable income.

Line 30: If filing this form separately from the annual return and the amount of the liability has not been determined, estimate the amount of the liability and enter on this line. It will be treated as a credit available when the annual return is filed.

Attachments

Assemble the return and attachments in the following order, beginning on top:

- 1. *MBT Annual Return* (Form 4567) or *MBT Simplified Return* (Form 4583), and *MBT Schedule of Shareholders and Officers* (Form 4577), if applying this credit to MBT liability.
- 2. Michigan Farmland Preservation Tax Credit (Form 4594).
- 3. Business Income Tax Base Worksheet (page 7 of these instructions), if not filing Forms 4567 or 4583.
- 4. A copy of page 1 of 2009 U.S. Form *1120*, U.S. Form *1120S* or U.S. Form *1041*, and all supporting schedules.
- 5. A copy of any recorded FDRA(s) not claimed on the previous year's return.
- 6. A copy of the 2009 property tax statement(s) (bills) that show the taxable value, the property taxes levied, and the corresponding agreement numbers.
- 7. An official allocation of the tax statement amount between property subject to an FDRA and property not covered by an FDRA.
- 8. A copy of the receipt showing payment of years 2008 or 2009 property taxes.

For assistance, visit our Web site at **www.michigan.gov/taxes** or call toll-free 1-800-827-4000 for answers to questions about Michigan income tax and credit forms. Persons who have hearing or speech impairments may call (517) 636-4999 (TTY).

Mailing This Form

If using this credit, or a portion of this credit, to pay the MBT liability, attach this form to the *MBT Refundable Credits* (Form 4574) as part of the annual tax filing along with the MBT annual return (either the *MBT Simplified Return* (Form 4583) or the *MBT Annual Return* (Form 4567)).

If requesting a refund of the entire amount of the credit, mail this form to:

Michigan Department of Treasury P.O. Box 30783 Lansing, MI 48909

E-filing MBT Returns

Effective January 1, 2010, for the 2009 tax year, software developers producing MBT tax preparation software must support e-file for all eligible MBT forms that are included in their tax preparation software. All eligible MBT returns prepared using software must be e-filed.

The Department will continue to accept certain Portable Document Format (PDF) attachments with MBT e-filed returns. A current list of defined attachments is found in the MBT e-file Preparer Handbook, which is available on our Web site at **www.MIfastfile.org** by selecting "Business Taxpayer" then "Michigan Business Tax e-file." Follow your software instructions for submitting attachments with an e-filed return.

If the MBT return includes supporting documentation or attachments that are not on the predefined list of attachments, the return can still be e-filed. Follow your software instructions for including additional attachments. The preparer or taxpayer should retain file copies of all documentation or attachments.

For more information and program updates, including exclusions from e-file, visit the e-file Web site at www.MIfastfile.org.

The taxpayer may be required to e-file its federal return. Visit the IRS Web site at **www.irs.gov** for more information on federal e-file requirements and the IRS Federal/State Modernized e-File (MeF) program.

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Business Income Tax Base Worksheet

If not required to file the *Michigan Business Tax (MBT) Annual Return* (Form 4567), use this worksheet to calculate the Business Income Tax base reported on the *Farmland Preservation Tax Credit* (Form 4594), line 24. Instructions for completing specific lines are found in the Form 4567 instructions (corresponding lines are referenced in the line instructions below), which are both found in the Michigan Business Tax Instruction Booklet (Form 4600) and on the Michigan Department of Treasury's Web site at **www.michigan.gov/taxes**. A copy of this worksheet must be attached to Form 4594.

1.	Apportionment Percentage (Form 4567, lines 11a through 11c).		
	a. Michigan Sales (if no Michigan sales, enter zero)	1a.	00
	b. Total Sales	1b.	00
	c. Apportionment percentage. Divide line 1a by line 1b	1c.	%
2.	Business Income (use Business Income Worksheet, Form 4746, for assistance)	2.	00
3.	Additions to Income (Form 4567, lines 29 through 35).		
	a. Interest income and dividends derived from obligations or securities of states other than Michigan	3a.	00
	b. Taxes on or measured by net income	3b.	00
	c. Tax imposed under MBT	3c.	00
	d. Any carryback or carryover of a federal net operating loss	3d.	00
	e. Losses attributable to other taxable flow-through entities	3e.	00
	Account Number		
	f. Royalty, interest, and other expenses paid to a related person	3f.	00
	g. Miscellaneous (attach a statement)	3g.	00
4.	Total Additions to Income. Add lines 3a through 3g	4.	00
5.	Business Income Tax Base after Additions. Add lines 2 and 4. If negative, enter as a negative	5.	00
6.	Subtractions from Income (Form 4567, lines 38-42)		
	a. Dividends and royalties received from persons other than United States persons and foreign operating entities	6a.	00
	b. Income attributable to other taxable flow-through entities	6b.	00
	Account Number		
	c. Interest income derived from United States obligations	6c.	00
	d. Net earnings from self-employment. If less than zero, enter zero	6d.	00
	e. Miscellaneous (attach a statement)	6e.	00
7.	Total Subtractions from Income. Add lines 6a through 6e	7.	00
8.	Subtract line 7 from line 5	8.	00
9.	Apportioned Business Income Tax Base. Multiply line 8 by percentage on line 1c	9.	00
10.	Available MBT business loss carryforward from previous MBT return. Enter as a positive number (Form 4567, line 46.)	10.	00
11.	Business Income Tax base to be entered on Form 4594.		
	a. Subtract line 10 from line 9. If negative, enter here as a negative number	11a.	00
	b. If line 11a is a positive number, enter the Qualified Affordable Housing Deduction (Form 4567, line 48i.)	11b.	00
	c. Subtract line 11b from line 11a. This is the Business Income Tax base to be entered on Form 4594. line 24	11c	00